

PROSE-PR,STAYED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:15-cv-01183-TSC

RIOS v. UNITED STATES OF AMERICA
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 07/22/2015
Jury Demand: None
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**ALEX RIOS**

represented by **ALEX RIOS**
25965-077
FORREST CITY MEDIUM
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
PO BOX 3000
FORREST CITY, AR 72336
PRO SE

V.

Defendant**UNITED STATES OF AMERICA**

represented by **Patricia K. McBride**
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ATTORNEY TO BE NOTICED

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TERMINATED: 07/01/2016

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TERMINATED: 06/23/2017

| Date Filed | # | Docket Text |
|------------|----------|--|
| 07/22/2015 | <u>1</u> | COMPLAINT against UNITED STATES OF AMERICA filed by ALEX RIOS. (Attachments: # <u>1</u> Civil Cover Sheet)(td) (Entered: 07/23/2015) |

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| 07/22/2015 | <u>6</u> | SUMMONS (2) Issued as to UNITED STATES OF AMERICA, U.S. Attorney and U.S. Attorney General (td). Modified on 7/29/2015 (rd). (Entered: 07/23/2015) |
| 07/22/2015 | <u>2</u> | MOTION for Leave to Proceed in forma pauperis by ALEX RIOS (td) (Entered: 07/23/2015) |
| 07/22/2015 | <u>3</u> | PRISONER ACCOUNT STATEMENT by ALEX RIOS (td) (Entered: 07/23/2015) |
| 07/22/2015 | <u>4</u> | MOTION to Appoint Counsel by ALEX RIOS (td) (Entered: 07/23/2015) |
| 07/22/2015 | <u>5</u> | ORDER directing an initial partial filing fee from Prison Account of ALEX RIOS and GRANTING <u>2</u> Motion to Proceed In Forma Pauperis. Signed by Judge Tanya S. Chutkan on 7/21/15; (See order for further details) (td) (Entered: 07/23/2015) |
| 07/31/2015 | <u>7</u> | NOTICE of Appearance by Heather D. Graham–Oliver on behalf of UNITED STATES OF AMERICA (Graham–Oliver, Heather) (Entered: 07/31/2015) |
| 08/06/2015 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/28/2015. (Answer due for ALL FEDERAL DEFENDANTS by 8/27/2015.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/28/15. (td) (Entered: 08/07/2015) |
| 08/27/2015 | <u>9</u> | MOTION for Extension of Time to File Answer re <u>1</u> Complaint by UNITED STATES OF AMERICA (Graham–Oliver, Heather) (Entered: 08/27/2015) |
| 08/31/2015 | | MINUTE ORDER: Granting <u>9</u> Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the complaint by September 24, 2015. Signed by Judge Tanya S. Chutkan on 8/31/15. (DJS) Modified on 8/31/2015 (zsm). (Entered: 08/31/2015) |
| 08/31/2015 | | Set/Reset Deadlines: Answer due by 9/24/2015. (zsm) (Entered: 08/31/2015) |
| 09/24/2015 | <u>10</u> | ANSWER to <u>1</u> Complaint by UNITED STATES OF AMERICA.(Graham–Oliver, Heather) (Entered: 09/24/2015) |
| 10/15/2015 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint filed by an incarcerated plaintiff and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the Government Defendant(s) shall file a status report and proposed schedule that includes: the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a Vaughn index will be required in this case, any other pertinent issues and a proposed schedule for filing dispositive motions. The Government Defendant shall file the report and proposed schedule, along with a proposed order not later than 10/26/15. The Clerk of the Court shall mail a copy of this order using a typewritten envelope to: ALEX RIOS, 25965–077, FORREST CITY MEDIUM FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, PO BOX 3000, FORREST CITY, AR 72336. Signed by Judge Tanya S. Chutkan on 10/15/15. (DJS) (Entered: 10/15/2015) |
| 10/16/2015 | | Set/Reset Deadlines: Status Report due by 10/26/2015 (zsm) (Entered: 10/16/2015) |
| 11/03/2015 | <u>11</u> | ORDER denying <u>4</u> Plaintiff's Motion to Appoint Counsel (see written order for details). Signed by Judge Tanya S. Chutkan on 11/3/15.(ah) (Entered: 11/03/2015) |
| 11/05/2015 | <u>12</u> | ENTERED IN ERROR. . . .PROPOSED BRIEFING SCHEDULE by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A)(Graham–Oliver, Heather) Modified on 11/6/2015 (zd). (Entered: 11/05/2015) |
| 11/05/2015 | <u>13</u> | MOTION for Leave to File <i>Proposed Scheduling Order</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Exhibit A)(Graham–Oliver, Heather) (Entered: 11/05/2015) |
| 11/06/2015 | | NOTICE OF CORRECTED DOCKET ENTRY: re <u>12</u> Proposed Briefing Schedule was entered in error and counsel refiled said pleading as docket entry no. <u>13</u> . (td) (Entered: 11/06/2015) |

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| 11/18/2015 | <u>14</u> | LEAVE TO FILE DENIED– Plaintiffs' Opposition to the Defendant Motion for Summary Judgment ("Leave to file Denied" by Judge Tanya Chutkan " The government has only filed an answer to the complaint and has not filed a motion to dismiss or a motion for summary judgment. Plaintiff may refile his responses after the Government files a motion to dismiss or motion for summary judgment.") This document is unavailable as the Court denied its filing. (td) (Entered: 11/18/2015) |
| 11/18/2015 | <u>15</u> | LEAVE TO FILE DENIED– Plaintiffs' opposition to the defendant motion to dismiss the complaint ("Leave to file Denied" by Judge Tanya Chutkan "The government has only filed an answer to the complaint and has not filed a motion to dismiss or a motion for summary judgment. Plaintiff may refile his responses after the Government files a motion to dismiss or motion for summary judgment.") This document is unavailable as the Court denied its filing. (td) (Entered: 11/18/2015) |
| 11/19/2015 | | MINUTE ORDER: Granting <u>13</u> Defendant's Motion for Leave to File Proposed Briefing Schedule. Defendant's Motion for Summary Judgment due by December 10, 2015. Plaintiff's response due by January 11, 2016. Defendant's Reply due by January 25, 2016. The Clerk of the Court shall mail a copy of this order using a typewritten envelope to: ALEX RIOS, 25965–077, FORREST CITY MEDIUM FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, PO BOX 3000, FORREST CITY, AR 72336. Signed by Judge Tanya S. Chutkan on 11/19/15. (DJS) (Entered: 11/19/2015) |
| 11/19/2015 | | Set/Reset Deadlines: Summary Judgment motions due by 12/10/2015. Response to Motion for Summary Judgment due by 1/11/2016. Reply to Motion for Summary Judgment due by 1/25/2016. (zsm) (Entered: 11/19/2015) |
| 12/10/2015 | <u>16</u> | MOTION for Extension of Time to <i>File motion for Summary Judgment (FOIA)</i> by UNITED STATES OF AMERICA (Graham–Oliver, Heather) (Entered: 12/10/2015) |
| 12/10/2015 | <u>17</u> | Amended MOTION for Extension of Time to <i>File motion for Summary Judgment (FOIA)</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Graham–Oliver, Heather) (Entered: 12/10/2015) |
| 12/14/2015 | | ENTERED IN ERROR.....MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and order not later than 12/30/15. Signed by Judge Tanya S. Chutkan on 12/15/15. (DJS) Modified on 12/14/2015 (zsm). (Entered: 12/14/2015) |
| 12/14/2015 | | Set/Reset Deadlines: Status Report due by 12/30/2015 (zsm) (Entered: 12/14/2015) |
| 12/14/2015 | | MINUTE ORDER denying as moot <u>16</u> Defendant's Motion for Extension of Time; granting <u>17</u> Defendant's Amended Motion for Extension of Time to File a Summary Judgment Motion. The scheduling order is amended as follows: Defendant's summary judgment motion is due by January 21, 2016; Plaintiff's opposition is due by February 29, 2016; Defendant's reply is due by March 18, 2016. SO ORDERED. Signed by Judge Tanya S. Chutkan on 12/14/15.(ah) (Entered: 12/14/2015) |
| 12/14/2015 | | Set/Reset Deadlines: Summary Judgment motions due by 1/21/2016. Response to Motion for Summary Judgment due by 2/29/2016. Reply to Motion for Summary Judgment due by 3/18/2016. (zsm) (Entered: 12/14/2015) |
| 01/13/2016 | | Partial Filing Fee Received from ALEX RIOS in the amount of \$10.04, receipt number: 4616075504. (zrdj) (Entered: 01/13/2016) |
| 01/21/2016 | <u>18</u> | MOTION to Amend/Correct Set/Reset Deadlines <i>Scheduling Order and Extension of Time</i> by UNITED STATES OF AMERICA (Graham–Oliver, Heather) (Entered: 01/21/2016) |

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| 02/02/2016 | | MINUTE ORDER: It is ORDERED that the defendant's motion [# 18], seeking to amend the scheduling order, is GRANTED. The defendant shall complete the processing of plaintiff's FOIA request and notify him of any fee requirements by March 16, 2016, and it shall file a status report and a proposed deadline for filing its summary judgment motion by March 18, 2016. SO ORDERED. Signed by Judge Tanya S. Chutkan on 2/2/16.(ah) (Entered: 02/02/2016) |
| 02/02/2016 | | Set/Reset Deadlines: Status Report due by 3/18/2016 (zsm) (Entered: 02/02/2016) |
| 03/18/2016 | <u>19</u> | STATUS REPORT by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A)(Graham-Oliver, Heather) (Entered: 03/18/2016) |
| 03/18/2016 | <u>20</u> | STATUS REPORT by UNITED STATES OF AMERICA. (Graham-Oliver, Heather) (Entered: 03/18/2016) |
| 04/08/2016 | <u>21</u> | Supplemental STATUS REPORT <u>19</u> Status Report, <u>20</u> Status Report by UNITED STATES OF AMERICA (Graham-Oliver, Heather) Modified on 4/11/2016 (td). (Entered: 04/08/2016) |
| 04/18/2016 | <u>22</u> | NOTICE by ALEX RIOS ; ("LEAVE TO FILE GRANTED" by Judge Tanya Chutkan) (td) (Entered: 04/18/2016) |
| 04/25/2016 | | MINUTE ORDER: As proposed in its Supplemental Status Report <u>21</u> , Defendant shall file a status report and a proposed schedule by April 29, 2016. The Clerk of the Court shall mail a copy of this Order to: ALEX RIOS, 25965-077, FORREST CITY MEDIUM, FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, PO BOX 3000, FORREST CITY, AR 72336. Signed by Judge Tanya S. Chutkan on 4/25/16. (DJS) (Entered: 04/25/2016) |
| 04/26/2016 | | Set/Reset Deadlines: Status Report due by 4/29/2016 (zsm) (Entered: 04/26/2016) |
| 04/29/2016 | <u>23</u> | STATUS REPORT by UNITED STATES OF AMERICA. (Graham-Oliver, Heather) (Entered: 04/29/2016) |
| 05/03/2016 | | MINUTE ORDER: It is ORDERED that Defendant shall file another status report on the processing of Plaintiff's FOIA request and a proposed briefing schedule by June 9, 2016. Signed by Judge Tanya S. Chutkan on 5/3/16.(ah) (Entered: 05/03/2016) |
| 05/04/2016 | | Set/Reset Deadlines: Status Report due by 6/9/2016 (tth) (Entered: 05/04/2016) |
| 05/06/2016 | <u>24</u> | RESPONSE to Defendant's Supplemental Status Report re <u>21</u> MOTION to Amend/Correct <u>19</u> Status Report, <u>20</u> Status Report filed by ALEX RIOS. (td) (Entered: 05/10/2016) |
| 06/09/2016 | <u>25</u> | STATUS REPORT by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A)(Graham-Oliver, Heather) (Entered: 06/09/2016) |
| 06/20/2016 | <u>26</u> | MOTION to Order DEA HEADQUARTERS, DOJ AND OPR PRODUCTION OF FOIA/PA REQUESTED MATERIAL by ALEX RIOS; ("LEAVE TO FILE GRANTED" by Judge Tanya Chutkan) (td) (Entered: 06/21/2016) |
| 07/01/2016 | <u>27</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Tammy Allison Holloway on behalf of UNITED STATES OF AMERICA Substituting for attorney Heather Graham-Oliver (Holloway, Tammy) (Entered: 07/01/2016) |
| 07/01/2016 | <u>28</u> | MOTION for Extension of Time to File Response/Reply by UNITED STATES OF AMERICA (Holloway, Tammy) (Entered: 07/01/2016) |
| 07/05/2016 | | MINUTE ORDER: Granting <u>28</u> Motion for Extension of Time to File Response/Reply. Defendant's response due July 29, 2016. The Clerk of the Court shall mail a copy of this order to: ALEX RIOS, 25965-077, FORREST CITY MEDIUM, FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, PO BOX 3000 FORREST CITY, AR 72336. Signed by Judge Tanya S. Chutkan on 7/5/16. (DJS) (Entered: 07/05/2016) |
| 07/06/2016 | | Set/Reset Deadlines: Defendant's Response due by 7/29/2016 (tth) (Entered: 07/06/2016) |
| 07/29/2016 | <u>29</u> | STATUS REPORT AND OPPOSITION TO PLAINTIFF'S MOTION TO ORDER DEA HEADQUARTERS, DOJ AND OPR PRODUCTION OF FOIA/PA REQUESTED |

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| | | <i>MATERIAL</i> by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit)(Holloway, Tammy) (Entered: 07/29/2016) |
| 07/29/2016 | <u>30</u> | Memorandum in opposition to re <u>26</u> MOTION for Order filed by UNITED STATES OF AMERICA. (See Docket Entry <u>29</u> to view document). (znmw) (Entered: 08/01/2016) |
| 08/03/2016 | | MINUTE ORDER: It is hereby ORDERED that Plaintiff's motion for the production of the material he has requested under the FOIA <u>26</u> is DENIED as premature. An agency's disclosure obligations under FOIA are contingent on its receipt of a request that reasonably describes the records sought and is made in accordance with the agency's published rules governing, among other requirements, the payment of any fees. See 5 U.S.C. § 552(a)(3)(A). Defendant's most recent Status Report suggests that those requirements have yet to be satisfied. Defendant shall file another Status Report on or before August 29, 2016. SO ORDERED. Signed by Judge Tanya S. Chutkan on 8/3/16.(ah) (Entered: 08/03/2016) |
| 08/03/2016 | | Set/Reset Deadlines: Defendant's Status Report due by 8/29/2016 (tth) (Entered: 08/03/2016) |
| 08/29/2016 | <u>31</u> | STATUS REPORT and Proposed Briefing Schedule by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 08/29/2016) |
| 09/06/2016 | | MINUTE ORDER: Upon consideration of Defendant's Combined Status Report and Proposed Briefing Schedule, it is hereby ORDERED that the parties shall adhere to the following schedule. Defendant's motion for summary judgment shall be filed on or before October 20, 2016; Plaintiff's opposition shall be filed on or before December 1, 2016; Defendant's reply shall be filed on or before December 22, 2016. Signed by Judge Tanya S. Chutkan on 9/6/16.(ah) (Entered: 09/06/2016) |
| 09/07/2016 | | Set/Reset Deadlines: Summary Judgment motions due by 10/20/2016. Response to Motion for Summary Judgment due by 12/1/2016. Reply to Motion for Summary Judgment due by 12/22/2016. (zsm) (Entered: 09/07/2016) |
| 10/18/2016 | <u>32</u> | MOTION for Extension of Time to <i>File Dispositive Motion and Amended Proposed Briefing Schedule</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 10/18/2016) |
| 10/21/2016 | | MINUTE ORDER: Granting in part and denying in part <u>32</u> Defendant's Motion for Extension of Deadlines. Defendant will file and serve its motion for summary judgment on or before November 20, 2016. Plaintiff's response due 12/20/16. Defendant's Reply due January 13, 2017. The Clerk of the Court shall mail a copy of this order to: ALEX RIOS, 25965-077, FORREST CITY MEDIUM FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, PO BOX 3000, FORREST CITY, AR 72336. Signed by Judge Tanya S. Chutkan on 10/21/16. (DJS) (Entered: 10/21/2016) |
| 10/21/2016 | | Set/Reset Deadlines: Summary Judgment motions due by 11/20/2016. Response to Motion for Summary Judgment due by 12/20/2016. Reply to Motion for Summary Judgment due by 1/13/2017. (zsm) (Entered: 10/21/2016) |
| 11/21/2016 | <u>33</u> | MOTION for Extension of Time to <i>File Dispositive Motion</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 11/21/2016) |
| 12/01/2016 | | MINUTE ORDER: Granting Motion <u>33</u> for Extension of Briefing Deadlines. EXCEPT that Defendant shall file and serve its motion for summary judgment on or before December 21, 2016. Plaintiff shall file his brief by January 20, 2017. Defendant's Reply (if necessary) due by February 9, 2017. Going forward, Defendant shall file any motions for extensions at least 48 hours before its deadline. The court will view requests filed AFTER the deadline with disfavor. Signed by Judge Tanya S. Chutkan on 12/1/16. (DJS) (Entered: 12/01/2016) |
| 12/20/2016 | <u>34</u> | MOTION for Extension of Time to <i>file Dispositive Motion</i> by UNITED STATES OF AMERICA (Holloway, Tammy) (Entered: 12/20/2016) |

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| 01/03/2017 | | MINUTE ORDER: Granting <u>34</u> Defendant's Combined Motion for Extension of Time and Amended Proposed Briefing Schedule. Defendant shall file its dispositive motion on or before January 23, 2017; Plaintiff shall file his opposition on or before March 1, 2017; Defendant shall file any reply on or before March 14, 2017. This is counsel's final extension. In the absence of a timely motion for summary judgment, the Court will order the United States' counsel of record and the agency's representative with personal knowledge of the agency's response to Plaintiff's FOIA request to appear personally before the court to explain the need for further delay. The Clerk of the Court shall mail a copy of this order to: ALEX RIOS, 25965-077, FORREST CITY MEDIUM FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, PO BOX 3000, FORREST CITY, AR 72336. Signed by Judge Tanya S. Chutkan on 1/3/17. (DJS) (Entered: 01/03/2017) |
| 01/03/2017 | | Set/Reset Deadlines: Dispositive Motions due by 1/23/2017. Response to Dispositive Motions due by 3/1/2017. Reply to Dispositive Motions due by 3/14/2017. (zsm) (Entered: 01/03/2017) |
| 01/23/2017 | <u>35</u> | MOTION to Dismiss <i>or in the Alternative Motion for Summary Judgment</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Holloway, Tammy). Added MOTION for Summary Judgment on 1/24/2017 (jf). (Entered: 01/23/2017) |
| 01/24/2017 | | NOTICE OF ERROR re <u>35</u> Motion to Dismiss; emailed to tammy.holloway2@usdoj.gov, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. DO NOT REFILE--Counsel is reminded to docket all parts of their motion (jf,) (Entered: 01/24/2017) |
| 01/25/2017 | <u>36</u> | Order advising plaintiff to respond by March 1, 2017, to defendant's dispositive motion or risk entry of judgment for the defendant on what may be treated as conceded material facts (see written order for details). Signed by Judge Tanya S. Chutkan on 1/25/17.(ah) (Entered: 01/25/2017) |
| 01/31/2017 | | Set/Reset Deadlines: Response to Dispositive Motion due by 3/1/2017. (tb) (Entered: 01/31/2017) |
| 03/06/2017 | <u>37</u> | Memorandum in opposition to re <u>35</u> MOTION to Dismiss <i>or in the Alternative Motion for Summary Judgment</i> filed by ALEX RIOS. (td) (Entered: 03/08/2017) |
| 06/16/2017 | <u>38</u> | MOTION for Extension of Time to <i>Enlarge Time</i> by UNITED STATES OF AMERICA (Holloway, Tammy) (Entered: 06/16/2017) |
| 06/19/2017 | | MINUTE ORDER granting <u>38</u> Defendant's Motion for an Extension of Time to file a Reply. Defendant shall file its reply on or before July 17, 2017. SO ORDERED. Signed by Judge Tanya S. Chutkan on 6/19/17.(ah) (Entered: 06/19/2017) |
| 06/20/2017 | | Set/Reset Deadlines: Defendant's reply due by 7/17/2017. (tb) (Entered: 06/20/2017) |
| 06/23/2017 | <u>39</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Patricia K. McBride on behalf of UNITED STATES OF AMERICA Substituting for attorney Tammy Allison Holloway (McBride, Patricia) (Entered: 06/23/2017) |
| 07/06/2017 | <u>40</u> | MOTION for Extension of Time to File Response/Reply by UNITED STATES OF AMERICA (McBride, Patricia) (Entered: 07/06/2017) |
| 07/31/2017 | <u>41</u> | MEMORANDUM OPINION AND ORDER denying <u>35</u> Defendant's Motion to Dismiss or for Summary Judgment; directing Defendant to propose a schedule by August 9, 2017 (see document for details). Signed by Judge Tanya S. Chutkan on 7/31/17.(ah) (Entered: 07/31/2017) |
| 07/31/2017 | | MINUTE ORDER denying as moot <u>40</u> Defendant's Second Motion for an Extension of Time to File a Reply. Signed by Judge Tanya S. Chutkan on 7/31/17.(ah) (Entered: 07/31/2017) |
| 08/09/2017 | <u>42</u> | MOTION for Extension of Time to <i>Propose a Schedule</i> by UNITED STATES OF AMERICA (McBride, Patricia) (Entered: 08/09/2017) |
| 08/23/2017 | <u>43</u> | STATUS REPORT by UNITED STATES OF AMERICA. (McBride, Patricia) (Entered: 08/23/2017) |

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| 08/29/2017 | | MINUTE ORDER granting nunc pro tunc <u>42</u> Defendant's Motion for an Extension of Time. Defendant shall file a status report and a proposed schedule on or before October 23, 2017. The parties are reminded that Local Civil Rule 7(c) requires that all motions be "accompanied by a proposed order." SO ORDERED. Signed by Judge Tanya S. Chutkan on 8/29/17.(ah) (Entered: 08/29/2017) |
| 08/29/2017 | | Set/Reset Deadlines: Defendant shall file a status report and a proposed schedule on or before 10/23/2017. (jth) (Entered: 08/29/2017) |
| 10/23/2017 | <u>44</u> | STATUS REPORT by UNITED STATES OF AMERICA. (McBride, Patricia) (Entered: 10/23/2017) |
| 11/01/2017 | | MINUTE ORDER: Upon consideration of defendant's status report, it is ordered that defendant's next status report, accompanied by either a dispositive motion or a proposed schedule, is due on or before November 28, 2017. Signed by Judge Tanya S. Chutkan on 11/1/17.(ah) (Entered: 11/01/2017) |
| 11/28/2017 | <u>45</u> | STATUS REPORT by UNITED STATES OF AMERICA. (McBride, Patricia) (Entered: 11/28/2017) |
| 12/05/2017 | | MINUTE ORDER: Upon consideration of defendant's status report, it is ordered that defendant's next status report, preferably with either a dispositive motion or a proposed schedule, is due on or before January 19, 2018. Signed by Judge Tanya S. Chutkan on 12/5/17.(ah) (Entered: 12/05/2017) |
| 12/05/2017 | | Set/Reset Deadlines: Status Report, preferably a dispositive motion or a proposed schedule due by 1/19/2018. (tb) (Entered: 12/05/2017) |
| 01/25/2018 | <u>46</u> | NOTICE of Clarified Record Request and Position as to Defendant's Status Report <u>45</u> by ALEX RIOS (td). (Entered: 01/30/2018) |
| 01/30/2018 | <u>47</u> | MOTION for Extension of Time to <i>File Joint Status Report, Motion to Late File</i> , by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 01/30/2018) |
| 02/01/2018 | | MINUTE ORDER granting <u>47</u> Defendant's Motion for an Extension of Time to February 22, 2018, to file its status report, accompanied by either a dispositive motion or a proposed schedule. SO ORDERED. Signed by Judge Tanya S. Chutkan on 2/1/18.(ah) (Entered: 02/01/2018) |
| 02/02/2018 | | Set/Reset Deadlines: Status Report due by 2/22/2018. (tb) (Entered: 02/02/2018) |
| 04/05/2018 | | MINUTE ORDER: This FOIA case was filed on 7/22/15 and has evaded resolution for two reasons. First, the scope of Plaintiff's FOIA request has changed over time (due in part to some apparent uncertainty regarding the scope of the request). Second, Defendant has sought and the court has granted numerous extensions of time, even though – in some instances – Defendant requested an extension after its filing deadline had passed. Most recently, on 2/1/18, the court granted Defendant's latest motion for an extension of time in which to file a status report. Defendant's status report was due on 2/22/18, yet it neither has filed its report nor has it requested an extension of the deadlie. The court is losing its patience with both parties. Accordingly, by 4/15/18, Defendant shall file a status report, which shall include information on processing of the Plaintiffs FOIA request as most recently amended, and shall indicate whether Defendant has received the \$250 payment Plaintiff claims to have submitted. Defendant's failure to file a timely status report will be viewed with disfavor and may result in sanctions. Signed by Judge Tanya S. Chutkan on 4/5/18. (DJS) (Entered: 04/05/2018) |
| 04/06/2018 | | Set/Reset Deadlines: Defendant's status report due by 4/15/2018. (tb) (Entered: 04/06/2018) |
| 04/16/2018 | <u>48</u> | STATUS REPORT by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A)(McBride, Patricia) (Entered: 04/16/2018) |
| 04/18/2018 | <u>49</u> | NOTICE by UNITED STATES OF AMERICA (McBride, Patricia) (Entered: 04/18/2018) |
| 04/20/2018 | | MINUTE ORDER: In its most recent status report, Defendant suggests that it be permitted to allow Plaintiff 60 days to resolve the fee payment issue and then propose |

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| | | yet another briefing schedule by July 18, 2018. Instead, if Plaintiff has failed to pay the assessed fees for his FOIA request by June 17, 2018, Defendant shall file a dispositive motion no later than July 6, 2018. If the fees are paid, Defendant shall file no later than June 27, 2018, a status report on the processing of Plaintiff's FOIA request that includes a proposed briefing schedule. Defendant's failure to file either document in a timely manner will be viewed with disfavor and may result in sanctions. Signed by Judge Tanya S. Chutkan on 4/20/18.(ah) (Entered: 04/20/2018) |
| 04/23/2018 | | Set/Reset Deadlines: Dispositive Motion due by 7/6/2018. Status Report due by 6/27/2018. (tb) (Entered: 04/23/2018) |
| 06/15/2018 | <u>50</u> | NOTICE by ALEX RIOS (ztd); "LET THIS BE FILED" signed by Judge Tanya Chutkan (Entered: 06/19/2018) |
| 07/03/2018 | <u>51</u> | STATUS REPORT by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Declaration Suppl. Little Decl.)(McBride, Patricia) (Entered: 07/03/2018) |
| 07/03/2018 | <u>52</u> | Exhibit O by UNITED STATES OF AMERICA re <u>51</u> Status Report (McBride, Patricia) Modified on 7/5/2018 to edit text(zrdj). (Entered: 07/03/2018) |
| 09/05/2018 | | MINUTE ORDER: In its status report filed on July 3, 2018, Defendant indicated that it had resolved the fee payment issue and was processing Plaintiff's FOIA request. Defendant proposed to file another status report by August 17, 2018, but has not done so. The 45 days Defendant estimated for processing the request have passed. Accordingly, on or before September 17, 2018, Defendant shall file a proposed order setting a schedule to govern these proceedings to conclusion. SO ORDERED. Signed by Judge Tanya S. Chutkan on 9/5/18. (ah) (Entered: 09/05/2018) |
| 09/06/2018 | | Set/Reset Deadlines: Defendant's proposed briefing schedule due by 9/17/2018. (tb) (Entered: 09/06/2018) |
| 09/14/2018 | <u>53</u> | STATUS REPORT by UNITED STATES OF AMERICA. (McBride, Patricia) (Entered: 09/14/2018) |
| 10/31/2018 | <u>54</u> | ORDER DIRECTING THE DEFENDANT TO SHOW CAUSE by November 14, 2018, why sanctions should not be imposed (see document for details). Signed by Judge Tanya S. Chutkan on 10/31/18.(ah) (Entered: 10/31/2018) |
| 11/14/2018 | <u>55</u> | RESPONSE TO ORDER TO SHOW CAUSE by UNITED STATES OF AMERICA . (Attachments: # <u>1</u> Declaration Myrick Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D)(McBride, Patricia) (Entered: 11/14/2018) |
| 11/15/2018 | | MINUTE ORDER: The court has carefully considered Defendant's Response to the Court's Show Cause Order (ECF No. 55) and finds adequate reasons not to impose sanctions at this time. Accordingly, the show cause order (ECF No. 54) is DISCHARGED. The parties shall adhere to the following schedule. As proposed, Defendant shall file its motion for summary judgment on or before January 29, 2019. Thereafter, Plaintiff shall file his opposition on or before March 15, 2019, and Defendant shall file its reply on or before April 1, 2019. No extensions will be granted in connection with this briefing schedule absent a showing of extraordinary circumstances (i.e., circumstances beyond those supporting previous enlargement requests), by motion filed at least 48 hours before expiration of the respective deadline. SO ORDERED. Signed by Judge Tanya S. Chutkan on 11/15/18.(ah) (Entered: 11/15/2018) |
| 11/20/2018 | | Set/Reset Deadlines: Summary Judgment motion due by 1/29/2019. Response to Motion for Summary Judgment due by 3/15/2019. Reply to Motion for Summary Judgment due by 4/1/2019. (tb) (Entered: 11/20/2018) |
| 01/22/2019 | <u>56</u> | MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/22/2019) |
| 01/23/2019 | | MINUTE ORDER granting in part and denying in part <u>56</u> Defendant's motion for a stay and an extension of time. This case is temporarily stayed for good cause shown. Defendant shall file a notice within three (3) business days of Department of Justice operations resuming, and at that juncture, the temporary stay shall be lifted. The current briefing deadlines are hereby vacated. Accordingly, defendant's motion for an |

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| | | extension of those deadlines is denied as moot. Signed by Judge Tanya S. Chutkan on 1/23/19. Modified on 1/23/2019 (ah). (Entered: 01/23/2019) |
| 01/28/2019 | <u>57</u> | NOTICE by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 01/28/2019) |